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Kevin L. Russel  
Suite 1600  
601 SW Second Ave.  
Portland, OR 97204-3157

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In re Application of:

John Dunklee

Serial No.: 09/877,823

Filed: June 07, 2001

Attorney Docket No.: **KLR 1016.068**

*SUA SPONTE*  
**DECISION WITHDRAWING HOLDING OF  
ABANDONMENT**

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

The application was held abandoned for failure to timely file a response to the Office action mailed on May 24, 2004. A Notice of Abandonment was mailed on November 18, 2004.

A review of the written record indicates that Notice of Abandonment mentions no response was filed to a Notice of Informal or Non-responsive Amendment (Non-responsive Notice) mailed on May 24, 2004. A further review of the application file shows no record of the Non-responsive Notice allegedly mailed on May 24, 2004, and that the response filed May 12, 2004 is fully responsive. It appears that the previous entry of the Non-responsive Notice was in error. As such, the abandonment of the application was premature. Therefore, the application was not abandoned in fact.

For the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner for consideration of the response.

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

Sharon A. Gibson, Director  
Technology Center 2800  
Semiconductors, Electrical and Optical  
Systems and Components